

AMENDED IN SENATE APRIL 16, 2004

**SENATE BILL**

**No. 1432**

**Introduced by Senator Burton**

February 19, 2004

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An act to add Section 87483.3 to the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 1432, as amended, Burton. California Community Colleges: employment of faculty.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law provides for the employment of faculty as temporary, contract, or regular employees.

This bill would ~~require the governing board of a community college district to meet and negotiate with representatives of an employee organization recognized under the Educational Employment Relations Act, upon request of the employee organization, to establish standards and procedures through which offers and assignments of work to otherwise qualified contract employees may be determined on the basis of employee seniority and continuity of service. Because~~ *require that the establishment of standards and procedures for offers and assignments of work duties to temporary and part-time faculty on the bases of seniority and continuity of service be a mandatory subject of negotiation with respect to the collective bargaining process relating to any new or successor contract between community college districts and temporary or part-time faculty occurring on or after January 1, 2005. The bill would specify that it applies only to temporary and part-time faculty, as defined.*

*Because* the bill would create new duties for community college districts, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 87483.3 is added to the Education Code,  
2 to read:

3 ~~87483.3. The governing board of a community college~~  
4 ~~district shall meet and negotiate with representatives of an~~  
5 ~~employee organization recognized pursuant to Section 3543.3 of~~  
6 ~~the Government Code, upon request of the employee organization,~~  
7 ~~to establish standards and procedures through which offers and~~  
8 ~~assignments of work to otherwise qualified contract employees~~  
9 ~~may be determined on the basis of employee seniority and~~  
10 ~~continuity of service.~~

11 87483.3. (a) *The establishment of standards and procedures*  
12 *for offers and assignments of work duties to temporary and*  
13 *part-time faculty on the bases of seniority and continuity of service*  
14 *shall be a mandatory subject of negotiation with respect to the*  
15 *collective bargaining process relating to any new or successor*  
16 *contract between community college districts and temporary or*  
17 *part-time faculty occurring on or after January 1, 2005.*

18 (b) *This section applies only to temporary and part-time faculty*  
19 *within the meaning of Section 87482.5.*

20 SEC. 2. Notwithstanding Section 17610 of the Government  
21 Code, if the Commission on State Mandates determines that this  
22 act contains costs mandated by the state, reimbursement to local

1 agencies and school districts for those costs shall be made pursuant  
2 to Part 7 (commencing with Section 17500) of Division 4 of Title  
3 2 of the Government Code. If the statewide cost of the claim for  
4 reimbursement does not exceed one million dollars (\$1,000,000),  
5 reimbursement shall be made from the State Mandates Claims  
6 Fund.

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